

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.1964 OF 2006

DATED: 06.2.2006

Between:

P. Bhaskara Reddy

... Petitioner

and

The Chairman, A.P. Cooperative

Tribunal

... Respondent

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.1964 OF 2006

ORAL ORDER:

Writ Petition is filed in substance though not in form, assailing the return of the petitioner's Election Petition by the endorsement of the respondent-A.P. Cooperative Tribunal dated 4.1.2006, on the ground that the Election Petition is filed beyond the period of limitation.

The petitioner contested for the Membership of Kapugunneru Primary Agricultural Cooperative Society, Srikalahasti Mandal, by submitting a nomination paper on 18.10.2005. The State Government initially by an order in G.O.Rt.No. 1077 dated 24.10.2005, in purported exercise of powers under Rule 22(C) (i) (iii) of the Andhra Pradesh Cooperative Societies Rules, 1964, ordered postponement of the elections to the Managing Committee of the said Society. By another proceeding of the even date in G.O.Rt.No.1111, the orders earlier issued in G.O.Rt.No.1077 dated 24.10.2005 were rescinded. Consequently, the elections were conducted as scheduled on 26.10.2005. The petitioner challenged the issuance of the second Governmental Order in G.O.Rt.No.1111. While dismissing W.P.No.23045 of 2005 by the judgment dated 3.11.2005, this court made an observation that any subsisting grievances, the petitioner is at liberty to pursue, before an appropriate forum.

Complaining that some person had forged the withdrawal of the petitioner's nomination and seeking invalidation of the election conducted on 26.10.2005, the petitioner filed an election petition as an O.P. before the respondent-Tribunal, under Section 61 (3) of the A.P. Cooperative Societies Act, 1964 (for short 'the Act').

Admittedly, the said petition was filed beyond the time prescribed as a limitation for preferring such a petition. The petitioner's justification for the delay is the pendency of W.P.No.23045 of 2005. This justification put forward by the petitioner was not countenanced by the respondent-Tribunal which held and rightly so that the W.P.No.23045 of 2005 was in no way concerned or integral to the complaint, under Section 61 (3) of the Act preferred before the Tribunal. As the petitioner's election petition was instituted before the respondent-Tribunal,

admittedly beyond the period of prescribed limitation and without any justification for the delay and without disclosing the power of the respondent-Tribunal to condone such delay if there be one, the petition was rightly rejected. There is no error discernible in the endorsement dated 4.1.2006 of the respondent-Tribunal calling for interference, under Article 226 of the Constitution of India.

Writ Petition is misconceived and is accordingly dismissed. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 06.2.2006

cvm